applicants. One study traced roughly 25 percent of the decline in workforce participation between 1999 and 2015 to the opioid crisis. That amounts to about 1 million missing workers. It is no wonder that the Trump administration reports that the epidemic cost our economy a half trillion dollars in 2015 alone.

The economic cost pales in comparison to the human cost that addiction and joblessness inflict. The Comprehensive Addiction Recovery through Effective Employment and Reentry Act, or CAREER Act, would bring targeted relief to the States most devastated by substance abuse. This State-based pilot program would encourage local businesses and treatment groups to form partnerships to help those in recovery find and maintain employment.

The legislation expands housing block grants to encourage more transitional housing options for recovering addicts until they secure permanent arrangements. It gives States more flexibility to spend Federal career services and training funds to support specific initiatives dedicated to helping individuals transition from treatment to the workforce. In short, this bill does exactly what the experts tell us needs to be done on this front.

This morning, Chairman ALEXANDER and the HELP Committee are reviewing comprehensive opioid legislation. I commend the chairman for his diligent efforts on this subject. It is my hope that the committee will choose to include some of the proposals in the Protecting Moms and Infants Act and the CAREER Act in the larger package that they are developing.

This epidemic requires our continued attention. On behalf of those in Kentucky and all over the country who are struggling, we are determined to keep doing our part.

TAX REFORM

Mr. MCCONNELL. Now, Madam President, on one final matter, the passage of Republicans' historic tax reform last December was just the latest illustration of the diverging paths Republicans and Democrats envision for our economy.

For the better part of the last decade, our Democratic colleagues' ideas ran their course. We were promised that they would help us recover from the financial crisis. But it wasn't a recovery for all Americans. In fact, the path put forward by our Democratic colleagues had two distinct lanes. The express lane was for major cities like New York and San Francisco. Urban areas with more than 1 million residents captured 90 percent of the Nation's population growth and nearly 75 percent of new jobs created between 2010 and 2016. Seventy-five percent of new jobs created between 2010 and 2016 went to these large urban areas.

Those select communities actually made up some ground, but working families and job creators in America's smaller cities, towns, and rural communities were stuck in the slow lane. There, job opportunities dried up as investment dollars hit the road. There, Americans learned what it feels like when Washington, DC, leaves you behind. But, fortunately, these communities are among the first to feel the benefits of the new Republican approach.

The historic tax relief we passed last year cut taxes for American families and gave employers more flexibility to expand, hire, and give their workers bonuses, raises, and new benefits.

As my colleague Senator YOUNG reports, the results in Indiana are adding up. He heard from a Hoosier in Cedar Lake who is expanding his family milk-hauling business, and a Kokomo small business owner who is now hiring more workers. I recently read that over in Ellettsville, one family has found an additional $200 in their monthly paychecks—enough to cover a week's worth of groceries.

I don't think my colleagues across the aisle intended to make life more difficult for middle-class families across the country. It is just that these leftwing policies make it harder, not easier, for American workers and job creators to actually get ahead. But when my Democratic friends had the chance to join us and deliver historic tax relief to American families, they stood firm and tried to block tax relief on a party-line basis. One of Indiana's own Senators tried to block all that good Indiana news from happening.

I am proud that Republicans overcame that obstruction and got tax reform accomplished for all Americans.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF MIKE POMPEO

Mr. CORNYN. Madam President, yesterday, after some drama and a rare act of civility on the part of Senator COONS, for which I applaud him, the Senate Foreign Relations Committee approved the nomination of Mike Pompeo as Secretary of State. This is despite Chairman CORKER repeatedly pointing out how qualified for this appointment Director Pompeo actually is, but, apparently, it fell on deaf ears.

This sort of treatment is unprecedented, in my memory certainly, for a Secretary of State. Director Pompeo was, in fact, first in his class at West Point and led the Harvard Law Review. He served his country in the military and served the people of Kansas in Congress, not to mention the fact that Mike Pompeo already serves in one of the most sensitive and important positions in the Trump administration as Director of the Central Intelligence Agency.

I spoke yesterday about the confirmations of some of the most recent Secretaries of State, not just Secretaries Clinton and Kerry. Secretary Kerry got all but three votes in the Senate, and Secretary Clinton lost only two votes in the Senate, but I also spoke of Secretary Powell and Secretary Rice. All were confirmed overwhelmingly because the Senate has always had a tradition, until now, of showing some deference to the President when confirming nominees to positions like this that have national security importance. The world needs to know that this President has confidence in this nominee, and he does. That is the key to his effectiveness in international diplomacy—knowing he has the President's ear.

Our Democratic friends once upon a time acknowledged that, in the words of the senior Senator from Delaware:

> The President, regardless of what party they are from, needs, for the most part, to have the team they want to put in place. They have been elected to lead. Let's give them a chance to lead.

The opposition we are seeing breaks with this longstanding tradition in a shameful and partisan way. Of course, our Democratic colleagues have been slow-walking and obstructing qualified nominees since the President was sworn in, just to hinder progress for hindering progress's sake alone. This is the kind of hyperpartisan approach to foreign policy that threatens to harm our national security because this is an important national security post. Not only should we confirm Mr. Pompeo so the President can have the support of his full Cabinet, but also so the American people can have the assurance that our national security is not being treated like a pinata that our Democratic colleagues are whacking with a stick.

The American people can see through this kind of concerted effort to prevent the President from filling Cabinet roles that deserve to be filled. In fact, that seems to be the approach: wherever, whenever, however to block President Trump from accomplishing anything he seeks on behalf of the American people, even though he was elected President of the United States.

Several editorial boards have already pointed out the importance of filling this position and have urged our Democratic colleagues to allow Director Pompeo to be confirmed expeditiously. USA Today editorial writers penned a piece saying:

> Unless a nominee has clear ethical or competency failings, presidents should be accorded wide latitude to select top aides whom they trust and agree with. Pompeo passes that test and merits approval.

The Washington Post writes: ''Mr. Pompeo should be deployed to Foggy Bottom in the hope that he will fulfill his promise to revive and reassert U.S. diplomacy.''

The Chicago Tribune writes: ''Pompeo knows well how to work with both Congress and the president—who trusts him so much he sent him on a secret mission to Pyongyang to meet with North Korean leader Kim Jong Un'' in advance of the President's meeting with him in a few weeks.

It doesn't stop there. There are nearly a dozen editorial boards that say the same thing these newspapers have—that Mr. Pompeo is undoubtedly qualified and the President trusts him, and on these two points, the Senate should confirm him.

The flip-flop our Democratic colleagues are doing from last year, when 15 of them supported Mr. Pompeo's nomination to the CIA, should be a source of embarrassment. To say that somehow the job of the Secretary of State is more important or more sensitive than that of the CIA Director—both of them are extraordinarily important. If they had the confidence in him to vote to confirm him to the CIA and are now searching for reasons to support a ''no'' vote for Secretary of State, it is pretty clear what is happening. Some of the most radical activists in the Democratic base are clearly getting to some of these Senators.

There is still time to put country above politics, national security over the next election, and principle over posturing. I urge all of our colleagues to give this nominee the same treatment the Senate gave Secretaries Powell, Rice, Kerry, and Clinton, and confirm Mr. Pompeo as our next Secretary of State.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

SENATE RULES ON NOMINATIONS

Mr. SCHUMER. Madam President, the Rules Committee will mark up Senator LANKFORD's resolution tomorrow to change the rules on the consideration of nominees to benefit the Senate majority. Of course, the majority in the Senate can already approve of a nomination on a party-line vote for all nominees up to and including now the Supreme Court since Leader MCCONNELL elected to change those rules last year.

Why the need for further erosions to minority rights in the Senate? The Republicans argue it is because they are facing ''historic'' obstruction of the President's nominees.

A few points on that: First and foremost, the truth is the Democrats have cooperated with the majority on noncontroversial nominees, like career ambassadorships and civil servants, for a long time now. Before each recess, there is a long list of names that is approved. Before the last recess, the Senate had confirmed nearly as many nominations in 2018 as President Obama had confirmed in the analogous year of 2010. Let me repeat that. Before the last recess, the Senate had confirmed almost the exact same number of nominees in 2018 as President Obama had confirmed in 2010, the second year of his Presidency.

So this idea that it is historic—bunk. You can tell it is bunk because at the same time our Republicans and even the President himself, on some days, complain about obstruction, on other days, the President and the Vice President are boasting about how many judges they have filled on the bench.

This morning, President Trump said:

> We put [on] a tremendous amount of [Federal] district [court] judges. We are setting records.

I say to my Republican friends and the President: You can't have it both ways—on the one hand, historic obstruction and, on the other, a record pace of confirmations that you brag to your base about. You can't have it both ways. It is hypocrisy.

A second point: The Republican majority has already taken brazen steps during this Congress to limit minority rights on nominations. I mentioned the leader breaking the rules on Supreme Court nominees. Let's not forget that he broke the rules after letting Merrick Garland sit there while not allowing a nomination. It takes a lot of gall to complain about obstruction when Leader MCCONNELL opened the gates to obstruction—made obstruction his watchword—when he did what he did to Merrick Garland. He didn't stop. The Republicans have not stopped this year. The Republicans have engaged in hardball tactics at the district and circuit court levels.

Here is what happened. Take the Republican seat that is vacant on the Seventh Circuit. Because Senator LEAHY—then-chairman—and, later, Senators HATCH and, I believe, GRASSLEY honored the blue slip, a seat in the Seventh Circuit that belongs to Wisconsin was held open for 6 years by their refusing to approve two nominees by President Obama. Now the President has nominated a very conservative judge, Michael Brennan, who has failed to earn the recommendation of the bipartisan commission that is respected in Wisconsin and was set up by both Senators BALDWIN and JOHNSON—one a Democrat, one a Republican—to recommend Federal nominees. Yet this administration has no known concern about the real qualifications of the judges as long as they meet the hard-right checklist.

Despite the fact that Senator BALDWIN has not returned a blue slip for Mr. Brennan, Chairman GRASSLEY has moved him out of committee anyway. This is the second time Chairman GRASSLEY has ignored the blue slip tradition. The blue slip tradition was faithfully honored by Senator LEAHY when he was chairman. Our Republican colleagues have used it to an extent that, certainly, would be ''historic'' obstruction. For 6 years, a seat was vacant on the circuit court, and it was not the only one that had had long-term vacancies. Now, all of a sudden, because the Democrats want to discuss this, mull this for a few days, Senator LANKFORD wants to change the rules. I know he only came to the Senate in 2014, but he ought to look a bit at the history before he gets into high dudgeon.

The issue of nominations has been fraught, and it is true there have been escalations on both sides. I am the first to say that. Despite the rhetoric from the majority party, the Democrats have worked in good faith this year to clear noncontroversial nominations expeditiously. When nominees require vetting, the Senate should have the tools to consider them thoroughly because, clearly, this administration is not taking the task of vetting seriously.

This is a final argument—and there are many good ones I would like to make. The Trump administration has done the worst job of vetting its nominees of any administration I can remember. It seems a slapdash process. It has had to withdraw the nominee for the Labor Department because he was not properly vetted; it has fired the Secretaries of HHS, State, and the VA; and it has faced a host of other controversies with staff and turnover. I dare say, if Mr. Pruitt had been properly vetted, he may not have been nominated given what we have found out.

Now we hear that the new nominee for the VA Secretary—the President's personal doctor—is on hold because of some troubling allegations. How did he get through the process with all of these allegations not even having been made public? My guess—there was not proper vetting. I was not there, but it is speculative that, maybe, one day, the President, who we know acts on

impulse, had this nominee in the room—his doctor—and he said: Hey, let's put you up without any vetting.

The President is putting forward nominees without appropriate vetting. It is our job to vet, and we will not be rushed through, particularly when this administration has had such a poor record of looking at the qualifications and the problems that each nominee has brought. More than ever, with this President, it is the Senate's job to advise and consent, not to be a rubberstamp. The rule change that is being proposed by Senator LANKFORD is totally unmerited, inadvisable, and lacks any knowledge of history of the Senate.

You know, we are trying to return to some comity here. The omnibus bill was very good work among Speaker RYAN, Leader MCCONNELL, Leader PELOSI, and me. We are going to meet in a little while to talk about doing the appropriations process in regular order and going back to the days when we did that, which I know our majority leader sincerely wants to do, as do I, as does Senator SHELBY, as does Senator LEAHY. Something like this—so partisan, so unfair, and so unacknowledging of the history that has come before—doesn't help the sense of comity in the Senate.

I urge Republicans and Democrats alike on the Rules Committee to reject this terribly ill-advised proposal.

DEPUTY ATTORNEY GENERAL ROSENSTEIN

Madam President, on another matter, over the last few months, House Republicans have heaped enormous pressure on Deputy Attorney General Rod Rosenstein in a transparent attempt to bully him into providing documents that are pertinent to an ongoing investigation—something we have hardly ever seen before, something that really gets in the way of law enforcement doing its job. Representative NUNES, who has shown his partisanship repeatedly, and others have gone so far as to threaten Mr. Rosenstein with contempt of Congress and even impeachment if he doesn't hand over former FBI Comey's memos, FISA Court documents, and other information that is related to Mueller's investigation into foreign interference. Mr. Rosenstein gave them that information, which, of course, was leaked afterward to the press.

It is not Justice Department protocol or any other prosecutor's protocol to share information that is pertinent to an ongoing investigation. It just welcomes interference. That is true even with the most objective of those who get the information, and I think 95 percent of America believes Congressman NUNES is not objective. It is not hard to understand why we don't do this. Yet several House Republicans have smeared Mr. Rosenstein and have even threatened his job unless he breaks the longstanding prosecutorial guidelines which will force him to give them information they can twist into political ammunition. What Representative NUNES and others have been doing is disgraceful, just disgraceful, and not consistent with our being a democracy, where there is the rule of law. It is more consistent with the bullying attitude that we see in nondemocratic countries.

Deputy Attorney General Rosenstein is doing his level best to honor the integrity of the Russia probe while being dragged through the mud by the President and his allies in Congress. He is a strong man. He has done an excellent job, and he is doing his best now. He is doing exactly what a Deputy Attorney General should be doing. Mr. Rosenstein deserves our respect—all parties' respect, the whole country's respect—for his efforts in being honest and transparent with Congress while maintaining the integrity of the Russia probe.

Even so, as a columnist in the Washington Post put it this morning: ''It's a miserable day at the Justice Department when the deputy attorney general is forced at gunpoint''—bullying, threatening—''to turn over important evidence in a pending criminal investigation.'' The ''bullying'' and ''threatening'' are my parenthetical words.

It continues to be a real disgrace for House Republicans to engage in such bare-knuckle tactics in a relentless effort to deter and kick up dust around the Mueller investigation. Our fellow Republicans, the bar across the country, and the country itself—the public—should resist this kind of bullying and pressure. It is so un-American, so against the rule of law, so against how democratic republics work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, I come to the floor this morning to oppose the nomination of Stuart Kyle Duncan to serve on the Court of Appeals for the Fifth Circuit.

I accept that there are differences of opinion with respect to nominees, and I accept that I will not agree on every issue with every Trump nominee. I do expect that individuals who are up for lifetime judicial appointments have to demonstrate that, above all else, above everything else, they will be guardians of the constitutional rights of the American people. If you want to be a judge in America, my view is, you ought to have to show an independence of thought and a respect for the rule of law.

I regret to say this morning, I believe this nominee has not met those important expectations. As I review Mr. Duncan's record, it seems to me he has made a career out of fighting to restrict the rights and legal protections of the vulnerable and those who are powerless. It ought to be an immediate red flag to see how often he has aligned himself with the wrong end of some of the most high-profile cases in the last few years.

My view is that his record on civil rights alone ought to be disqualifying. Twice he has represented States—North Carolina and Texas—in their defense of voter suppression laws that were written and passed based on false claims of voter fraud. Both of those laws, in my view, were a sort of Frankenstein monster of past proposals that would have made it harder for African Americans and Latino citizens to vote. You don't have to take my word for it; both of those cases were thrown out by the courts. Fortunately, neither time was Mr. Duncan successful on appeal.

In another case, he argued before the Supreme Court that a wrongful conviction verdict ought to be thrown out. An African-American man named John Thompson spent 14 years on death row after prosecutors in New Orleans concealed evidence that would have proven his innocence. After his exoneration, this individual won a $14 million wrongful conviction suit. Mr. Duncan, on the other hand, led the effort to have it overturned. An innocent man's life was ruined, and Mr. Duncan saw to it that he had no recompense.

He has clearly been a staunch opponent of women's reproductive rights and healthcare. He was counsel of record representing Hobby Lobby in its case against the Department of Health and Human Services in 2014. In that case, Hobby Lobby sought to throw out the legal requirement that women have no-cost access to contraception through their health insurance coverage. Mr. Duncan argued that the government has no compelling interest in guaranteeing access to contraception. To hold that view, you have to basically throw in the trash can the science showing that contraception results in lower rates of cancer and healthier pregnancies when women choose to conceive. You also have to be willing to turn a blind eye to the matter of economic fairness—that women, particularly those who are vulnerable, those of modest means, should not be taxed for their gender.

Mr. Duncan went on to author a special legal brief in Whole Woman's Health v. Hellerstedt, arguing that the Supreme Court should have ignored medical evidence and allowed the State of Texas to shutter women's health clinics on trumped-up grounds.

I also think that as the Senate considers this nominee, we should look at his record on LGBTQ Americans. In 2015, when he was in private practice, this nominee served as special assistant attorney general for Louisiana. There, he authored an amicus brief on behalf of 15 States, urging the Supreme Court to reject the right to same-sex marriages nationwide. He wrote that recognizing such a right would endanger the ''civil peace.'' It is a head-

scratcher to me how he could reach that conclusion. Whatever damage has been done to the civil peace in the last 3 years certainly has had nothing to do with same-sex marriage.

When I came to the Senate, I believe I was the first Member of this body who came out for marriage equality. Back then, I said: This is pretty simple, folks—if you don't like gay marriage, don't get one. Regrettably, this nominee not only doesn't share that view, but he wrote that recognizing the right to marriage equality would, in his view, endanger the civil peace.

He represented Gloucester County, VA, in an effort to deny a transgender student's right to use the bathroom aligned with the gender identity. He also represented rightwing lawmakers in North Carolina, defending broadly discriminatory legislation that became known as the bathroom bill.

The list of concerning episodes and disqualifying work in Mr. Duncan's career does take a fair amount of time to actually walk through. What I will just tell you is that when I look at Mr. Duncan's background, what I see is a long record of hostility toward the rights of women and minority Americans. He has consistently defended powerful special interests over the rights of those who don't have political action committees, aren't powerful, and don't have high-priced lobbyists.

As Senators consider how to vote on this nomination, I find it hard to believe that this track record of bias that I have outlined this afternoon will suddenly vanish, will just disappear on confirmation. In my judgment, this is an individual who should not serve on the bench. I urge my colleagues to vote no.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. YOUNG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I come to the floor to speak in opposition to the nomination of Kyle Duncan for the U.S. Circuit Court for the Fifth Circuit.

I find his nomination troubling, but I find many of President Trump's nominees for judges troubling because they want to restrict established rights or roll back privacy issues, whether it is Roe v. Wade or LGBT rights.

In many cases, Mr. Duncan has tried to take away these very important reproductive rights for women. From 2012 to 2014, he was the lead counsel on the Hobby Lobby v. Sebelius Supreme Court case. That flawed decision allows closely held corporations to deny FDA-approved contraceptive coverage to women employees if the company owners object to the contraception based on religious beliefs.

More than half of the working-age women in Washington State get their healthcare coverage through their employer. They pay for their coverage through hard-earned wages and compensation. Their employer should not be able to just cherry-pick what benefits they get because the owners have a self-professed religious objection.

Mr. Duncan also tried to go after State laws protecting birth control access. Thanks in part to Washington State pharmacist Jennifer Erickson, Washington State has a law on the books requiring all pharmacies to stock and deliver all lawfully prescribed drugs, including contraception, but Mr. Duncan worked to take that hard-fought access away.

In 2016, he filed a brief urging the Supreme Court to take up a challenge to the Washington State pharmacy law in order to strike it down.

He also worked to deny access to constitutional rights to terminate pregnancies. In the Whole Women's Health case, Mr. Duncan filed a brief defending an unconstitutional Texas law that restricted access to safe and legal abortions at qualified health providers.

Ultimately, in the Whole Women's Health case, the Supreme Court rightly struck down this very deceptive Texas law, finding it had nothing to do with medical necessity and placed an undue burden on women.

In the landmark case of Obergefell v. Hodges, Mr. Duncan authored an amicus brief which argued against same-sex marriage, and he has represented North Carolina in their defense of the ''bathroom bill,'' which discriminated against transgender individuals. We need to expand the rights of the LGBT community, not nominate a judge who believes we should roll back these laws that are so important to the individuals in my State.

Mr. Duncan also defended North Carolina's restrictive voting laws which limited early voting, prevented same-day registration, and placed limitations on where people could vote. The appeals court found that these restrictions violated the Voting Rights Act because they were disproportionately affecting African Americans. We do not need to see a judge on our bench who is trying to limit people's participation in our democracy as we are trying to protect their access to voting.

It is no secret the Trump administration has been chipping away at women's healthcare and constitutional rights by using every tool at their disposal. I am especially troubled that the President is intent on nominating judges, such as this one, who do not respect the settled law of Roe v. Wade.

The administration is making every attempt to roll back these important privacy laws. Kyle Duncan, the nominee we are considering, has spent decades doing the same. That is the reason I oppose his confirmation, and I urge my colleagues to do the same. I hope they will follow in making sure we protect these important rights.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RULES ON NOMINATIONS

Mr. LANKFORD. Mr. President, earlier today, the minority leader came to the floor to talk about multiple issues. During that conversation, he called me out by name regarding a rules proposal that I have in front of the Rules Committee this week. He said that he vehemently disagrees with that rules proposal. He even mentioned that he knows that I came here in 2014 and that I should study the history of the Senate a little bit more before I bring up a rules proposal. Well, I would only tell my colleague that I have studied the history, and I would like to get a little bit of context around those comments.

The rules proposal that the minority leader is opposing is the exact same rules proposal that he actually voted for in 2013 when he was on the Rules Committee and then voted for again when it came to the floor of the Senate. This is not some radical proposal.

In 2013, Democrats found intolerable what was happening with the nomination process, so at the beginning of 2013, they worked with Republicans and said: We need to be able to put a structure in place to get nominations through because a President should be able to have his staff put in place, and there shouldn't be an arbitrary slowdown of that process.

Republicans came on board, even during a very contentious time, because Republicans did not agree with the policies of President Obama. Yet they agreed.

With a vote of 78 total votes, 78 votes on the floor of the Senate, a rule change was made that was proposed by Senator Reid, supported by Senator SCHUMER, and supported by Senator MCCONNELL, to say that this is a rule change that will go into place. It was a very simple rule. The rule was just for nominees.

When nominees come to the floor, the minority can always ask for additional time to debate. Most of the time in the past, they have not, but they could. The time allotted for that purpose is 30 additional hours for debate. The assumption is that it is a controversial nominee when 30 additional hours of debate is required.

The time was lowered in this 2013 rule so that for district court nominees, just 2 hours of debate on the floor is needed because, quite frankly, district court nominees had never been held up on a cloture vote, so 2 hours of extra time. The nominees have already been through the committee process. They have already been approved. Now

they are coming to the floor, and if there is a request for additional time, they would get an additional 2 hours on the floor. For any other nominee, they would get 8 hours of additional time, if they even asked for more time. Supreme Court, circuit court, and Cabinet-level nominees would remain at 30 hours.

That was the agreement that was made and that we functioned under in 2013 and in 2014. Fast-forward to today. A historic new precedent has been set for any President coming in. It was absolutely not done by Republicans in the past, and it was absolutely not done by Democrats in the past, but it is being done now.

Right now, there are 67 judges pending and 139 executive nominees pending—139. In just the past year and a few months, Democrats have requested 85 cloture votes—that is asking for an additional 30 hours of debate time.

They can say: Well, these nominees need to be vetted. These are all nominees who have already gone through the committee process, have already waited in line. There has been a tremendous amount of vetting. Even if this was additional vetting—an additional 30 hours of debate on the floor—for most of these nominees by far, there has been less than an hour of actual debate on the floor for these individuals, but 30 hours has been requested. It is not 30 hours of debate. In fact, just over the past couple of weeks, we have had district court judges, and they have had a demand for a cloture vote on them, and we had less than 15 minutes of additional debate time for those individuals on the floor, but 30 hours had to be allocated. There was less than 15 minutes of actual debate on that person.

This is not about vetting. That is a good line for the media. That is a good line for the base. This is about slowing down the Senate. This is about slowing down the process.

Again, giving a side-by-side, the minority leader said that this is about keeping intact the power of the minority, that the power of the minority needs to be maintained in the Senate. I totally agree. That is why I am trying to work this through a normal rules process—the same rule the minority leader supported on the Rules Committee in 2013 and the same rule he voted for on the floor. The only difference now is that it is not Democrats in power, it is Republicans in power. Republicans joined Democrats in 2013 to be able to put this in place, but for some reason, now that Republicans are in power, Democrats are saying that this is an onerous rule that will take away the power of the minority.

The only real thing that has changed here—other than that now the Republicans are in control rather than Democrats—is one other thing; that is, the nuclear option. When Senator Reid and Senator SCHUMER put in place the nuclear option at the end of 2013, at that time, there were 20 judges pending and 56 executive nominations. But they unilaterally changed the rules of the Senate to be able to drop down nominations from 60 to 51 because they were so frustrated that there were 20 judges pending and 56 executive nominations. May I remind my colleagues that right now there are 67 judges pending and 139 executive nominations pending.

The minority was so frustrated when they were in the majority that they had to go nuclear and unilaterally change the rules in November of 2013, even after Republicans joined them in January of 2013 to change the cloture rules because there were 20 judges pending. Yet now there are 67 judges pending. At that time, there were 56, so they went nuclear on the executive nominations. Now there are 139.

Listen, this is not an argument that I am trying to make based on a partisan issue. I am trying to go back to the agreement that was made in 2013, which was a bipartisan agreement. That worked for that time period. Republicans and Democrats supported it, and it worked. We actually had a process that was in place. I am asking to take that Democrat-written document and say: Let's make that the rule from here on out—not just for this session but from here on out—so that we would have consistency whether Republicans or Democrats are in control.

All I am asking is that Democrats vote again now for the same thing they voted for in 2013 when they asked Republicans to join them; for Democrats to join us and to say: Let's make this the clear rule for everyone. That is the history that I think needs to get into this conversation.

Quite frankly, I am not asking for something radical. I am trying to do a rules change the right way, by the rules as they are written, going through the Rules Committee and having a hearing, which we had in December, having a markup in the Rules Committee, and bringing it to the floor of the Senate and actually implementing a rules change. If there is another proposal we want to consider, I will be glad to have that conversation.

I am not looking to make it contentious; I am trying to actually solve a bad precedent because the precedent that has been set by the minority party right now will be the new precedent when the next President comes. So the next time there is a Democratic President, I can assure my colleagues that Republicans will say: We will just do the same thing the Democrats did to the Republican President—we will do that to the next Democratic President. And year after year, this toxic environment will get worse. The only way to dial back the volume is to actually fix the rules to make sure they stay fair for everyone.

Again, this is not a partisan move for me; this is trying to get the Senate to actually function and work again.

This rule change that was done in 2013—Senator Reid and Senator MCCONNELL came to the floor of the Senate and had a colloquy, and in that colloquy, Senator Reid said:

> It is our expectation that this new process for considering nominations as set out in this order will not be the norm—

That is, asking for additional time for every person—

> but that the two leaders will continue to work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.

Those were Senator Reid's comments. But now, this has been invoked more than 80 times by the minority just this year. There have not been 80 extraordinary circumstances. Quite frankly, many of these individuals waited out additional time for cloture and then they were confirmed almost unanimously. They weren't controversial; it was about slowing down the Senate.

Let's get this fixed. When the Senate is broken—and it is certainly broken in process right now—the Senators can fix the Senate by fixing our own rules. That is what I am encouraging our body to do. I do understand the history—although the minority leader is right, I wasn't here when the nuclear option was imposed. When Democrats did the historic change to the Senate rules, unilaterally—I wasn't here then. Senator SCHUMER did support that and did make a radical change at that time. I have to read about that history. But I can tell my colleagues that we can fix our future—and not just for Republicans but for the country—if we actually fix this rule change for the future.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 765.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Lt. Gen. Paul M. Nakasone to be General in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements related to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Nakasone nomination?